

## **REMARKS**

The Applicant respectfully requests reconsideration in view of the following remarks and amendments. Claims 1-52 and 54-76 have been amended. Claim 53 has been cancelled. No claims have been added. Accordingly, claims 1-52 and 54-77 are pending in the Application.

### **I. Claim Objections**

Claims 4-72, 76 and 77 stand objected under 37 CFR 1.75(c) due to informalities. Specifically, these claims are allegedly in improper form because multiple dependent claims cannot depend upon another multiple dependent claim. See Office Action, Page 2. In response, the Applicant has amended the claims to remove all such dependencies. Thus, based on these amendments the Applicant submits that the claims are in compliance with 37 CFR 1.75(c). Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the objection to these claims.

### **II. Claim Rejections – 35 U.S.C. §103**

Claims 1-3 and 73-75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,395,044 issued to Shoeld et al. (hereinafter “Shoeld”). Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Shoeld further taken with either one of US Patent No. 5,700,299 issued to Clark (hereinafter “Clark”), US Patent No. 6,051,038 issued to Howard et al. (hereinafter “Howard”), US Patent No. 4,975,095 issued to Strickland et al. (hereinafter “Strickland”) or US Patent No. 5,486,215 issued to Kelm et al. (hereinafter “Kelm”).

To determine obviousness of a claim: (1) factual findings must be made under the factors set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966); and (2) the analysis supporting the rejection under 35 U.S.C. § 103 should be made explicit and there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. See MPEP §§ 2141(II), 2141(III), and 2142; KSR International Co. v. Teleflex Inc., 82 USPQ2d 1385, 1396; see e.g., MPEP § 2143 (providing a number of rationales which are consistent with the proper “functional approach” to the determination of obviousness as laid down in Graham).

Claim 1 has been amended to recite “the feed means comprises motor driven unwinders (104, 204, 304) and associated motors for sequentially controlling the unwinders in brake mode.”

The Applicant submits that Shoeld fails to teach or suggest each element of amended claim 1. Shoeld discloses an apparatus for producing lead-acid storage batteries. See Shoeld, Abstract of the Disclosure. Specifically, the apparatus disclosed by Shoeld comprises supply rolls for feeding a plurality of webs of paper or paper-like porous insulating materials (Fig. 1, Items 5, 7, 9, 11, 13, and 15) and lead foils (Fig. 1, Items 17 and 19), pinch rolls (Fig. 1, Items 23 and 25) for pressing the lead foils against the webs of paper, and a rotatable spindle (Fig. 1, Item 1) for winding the resulting sandwich of materials. See Shoeld, Column 1, Line 62 through Column 2, Line 44. Further, the apparatus also comprises feed rolls (Fig. 1, Item 21) for regulating the speed and position of the webs of paper and paper-like materials and the lead foils. See Shoeld, Column 2, Lines 5-7. In particular, Shoeld recites, “To this end, any of the conventional means for winding superposed webs at uniform velocity may be employed, such as a constant torque drive for spindle 1 that drives mandrel 3 at variable angular velocity dependent only on the tension in the webs and foils, and a variable velocity drive for the supply rolls that is controlled by photoelectrically sensed position of a suspended bight of paper-like web or lead foil between the supply roll and the feed rolls 21.” Shoeld, Column 2, Lines 20-28.

However, Shoeld does not disclose using motors that sequentially control the unwinders (i.e. supply rolls) in brake mode as recited in amended claim 1. Shoeld discloses that the supply rolls are always controlled in a drive mode, but in amended claim 1 the motors, associated with the unwinders, sequentially control the unwinders in brake mode. This feature allows the device of amended claim 1 to control the traction force in the sheet structures ensuring that this traction force remains constant. This further allows the device to maintain constant traction on the sheet structures in order to achieve reproducibility in the made cells. See Specification as filed, Page 18, Lines 32-37. Thus, the motors associated with the unwinders can be controlled alternately to drive, when beginning to wind a laminate, and then to brake once drive of the laminate is taken over by a means downstream. See Specification as filed, Page 20, Lines 1-4.

By failing to disclose this element, Schoeld fails to teach or suggest each element of amended claim 1. Accordingly, the Applicant respectfully request reconsideration and withdrawal of the rejection of claim 1.

Claim 73 has been amended to include elements analogous to those of claim 1. For at least the reasons discussed above in regard to the 35 U.S.C. § 103(a) rejection of claim 1,

Schoeld does not disclose these elements of claim 5. Thus, Schoeld does not teach or suggest each element of claim 73. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of this claim.

Claims 2, 3, 74, and 75 depend from independent claims 1 and 73, respectively, and incorporate the limitations thereof. The Examiner's argument assumes that Schoeld discloses all elements of claims 1 and 73 which are respectively incorporated in dependent claims 2, 3, 74, and 75. However, as discussed above in the Applicant's argument over the 35 U.S.C. § 103(a) rejections of claims 1 and 73, Schoeld does not disclose all the limitations of claims 1 and 73. Furthermore, the Examiner has not provided any argument regarding Clark, Howard, Strickland, or Kelm's coverage of these limitations. Moreover, after reviewing Clark, Howard, Strickland, and Kelm the Applicant has been unable to locate any sections therein which cure the deficiencies of Schoeld. Thus, the combination of Schoeld, Clark, Howard, Strickland, and Kelm does not teach or suggest each element of claims 2, 3, 74, and 75. Accordingly, the Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

### PETITION FOR EXTENSION OF TIME

Per 37 C.F.R. 1.136(a) and in connection with the Office Action mailed on October 14, 2008, Applicant respectfully petitions Commissioner for a one (1) month extension of time, extending the period for response to February 14, 2009. The amount of \$130.00 to cover the petition filing fee for a 37 C.F.R. 1.17(a)(1) large entity will be charged to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 2/17/09

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#### **CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date noted below.

Jessica M. Hueter 02/17/09  
Jessica M. Hueter Date